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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

: **Confirmation No. 5291**

Mie TAKAHASHI et al.

: Docket No. 2001-1464A

Serial No. 09/937,730

: Group Art Unit 1641

Filed January 8, 2002

: Examiner Gary W. Counts

CHROMATOGRAPHY MEDIUM
AND ITS MANUFACTURING METHOD

: Mail Stop AF

RESPONSE UNDER 37. CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1641

SUPPLEMENTAL RESPONSE AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Sir:

There are two outstanding rejections against the claims pending in the application. Both of these rejections are under 35 U.S.C. §103(a). One of the rejections is based on Chu in view of Yamamoto et al., and the other rejection is based on Chu in view of Yamamoto et al. and further in view of Iwata et al. However, Applicants take the position that the Yamamoto et al. reference is not available as prior art against the present invention, and for this reason alone, both of the rejections under 35 U.S.C. §103(a) should be withdrawn.

The Yamamoto et al. reference (US 6,117,289) was issued September 12, 2000, which is between the filing date of February 4, 2000 for Applicants' Japanese priority application (2000-27988) and the filing date of February 5, 2001 for the PCT application on which the present U.S. application is based. [This PCT filing date is a Monday, and therefore the PCT application was effectively timely filed within one year of the Japanese priority date.] Therefore, Applicants can overcome the availability of the Yamamoto et al. reference as prior art under 35 U.S.C. §§102(a)/103(a) by obtaining the benefit of their Japanese priority date. The Examiner has

already acknowledged receipt of a copy of the certified copy of the Japanese priority application. A verified English translation of the priority application is submitted herewith.

The only other basis under which the Yamamoto et al. reference is available as prior art against the present invention is 35 U.S.C. §§102(e)/103(a), but under 35 U.S.C. §103(c), this can be overcome by establishing common ownership between the present application and the Yamamoto et al. reference, and in this regard, attention is directed to the following statement of common ownership:

Statement of Common Ownership

The present application, Serial No. 09/937,730 and the Yamamoto et al. reference (US 6,117,289) were, at the time the invention of the present application was made, owned by, or subject to an obligation of assignment to, Matsushita Electric Industrial Co., Ltd.

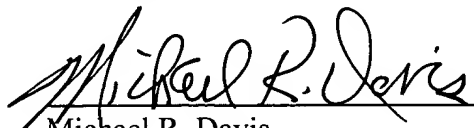
As further evidence of such common ownership, please see the attached copies of the recorded Assignment documents for both the present application and the Yamamoto et al. reference.

In view of these considerations, Applicants take the position that both of the rejections of the claims under 35 U.S.C. §103(a) should be withdrawn.

Accordingly, the present application is now considered to be in condition for allowance, and such allowance is solicited.

Respectfully submitted,

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